

Notice of Allowability

Restriction

The examiner hereby withdraws the pending restriction requirement.

Reasons for Allowance

The following is an examiner's statement of reasons for allowance:

The prosecution history provides evidence for allowability. The Board Decision, filed 5/11/2011, seems to emphasize that the 10-20 nm rod-shaped compositions comprising, DNA, poly-L-lysine and chloride ions are "relaxed rod-like complexes" rather than "condensed complexes" (BPAI Decision, filed 5/11/2011, page 6). The examiner understands that this was the basis of the Board's decision to reverse the rejection. Additionally, the prosecution record shows that the prior art discloses condensed complexes comprising (1) DNA, (2) poly-L-lysine and (3) an ion selected from the group consisting of chloride, acetate, and bicarbonate, and having shapes (e.g., toroid, Y-shaped, etc.) other than the specifically claimed "10-20 nm rod-shaped" forms. Accordingly, the BPAI and examiner find that the claimed species of nucleic acid complexes are allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Examiner Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Scott Long** whose telephone number is **571-272-9048**. The examiner can normally be reached on Monday - Friday, 9am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Joseph Woitach**, can be reached on **571-272-0739**. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/SCOTT LONG/
Primary Examiner, Art Unit 1633